

KEVIN V. RYAN (CSBN 118321)
United States Attorney

MARK L. KROTOSKI (CSBN 138549)
Chief, Criminal Division

TRACIE L. BROWN (CSBN 184339)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, CA 94102
Telephone: (415) 436-6917
Facsimile: (415) 436-7234

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
JOE MILAM CATHEY,)
)
Defendant.)

No. CR 06-267 SI

[PROPOSED] ORDER AND STIPULATION
(1) EXCLUDING TIME FROM
SEPTEMBER 22, 2006 TO NOVEMBER 17,
2006 FROM THE SPEEDY TRIAL ACT
CALCULATION
(18 U.S.C. § 3161(h)(8)(A))

The parties appeared before the Honorable Susan Illston on September 22, 2006 and October 20, 2006.

With the agreement of counsel for both parties, the Court found and held as follows:

1. The parties agreed to an exclusion of time under the Speedy Trial Act from September 22, 2006 to November 17, 2006, in light of the need for the advisory counsel to review the case and meet with the Defendant, and for the parties to discuss an appropriate resolution of the case. In addition, the Defendant's counsel will be out of town and unavailable for several Fridays between October 22 and November 17. Thus, failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, and

1 would deny the defendant continuity of counsel.

2 2. Given these circumstances, the Court found that the ends of justice served by
3 excluding the period from September 22, 2006 to November 17, 2006 outweigh the best interest
4 of the public and the defendant in a speedy trial. Id. § 3161(h)(8)(A).

5 3. Accordingly, and with the consent of the defendant, the Court ordered that the period
6 from September 22, 2006 to November 17, 2006 be excluded from Speedy Trial Act calculations
7 under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

8
9 IT IS SO STIPULATED.

10
11 DATED: 10/24/06

/S/

TRACIE L. BROWN
Assistant United States Attorney


12
13
14 DATED: 10/24/06

/S/

STEVEN KALAR
Attorney for Joe Milam Cathey

15
16 IT IS SO ORDERED.

17
18 DATED: _____



THE HON. SUSAN ILLSTON
United States District Judge